IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL FIRST APPEAL NO.2836 OF 2006

The State of Maharashtra ...Appellant
Vs.
Mohan Macher Pawar ...Respondent

Mr.S.N.Gawade, A.G.P for Appellant

Mr.S.M.Kamble for Respondents

CORAM: SHRI D.G. DESHPANDE &
SMT. ROSHAN DALVI, JJ.
DATE : 7TH NOVEMBER, 2006.

P.C.

1. By consent taken up for final hearing and looking into the issue.

2. This is an appeal by the State of Maharashtra against the enhancement of the compensation in the Land Acquisition Cases. The land acquired from Khargar area, the compensation awarded by the lower Court was Rs.25/- per Sq. Mtr. The learned A.G.P. relied upon the **unreported judgment of this Court in the case of** Abdul Aziz Husenmiya Patel Vs. The Spl. Land Acquisition Officer **i.e. in the First Appeal No.875 of 1985. In paragraph 11, the Court has fixed Rs.22/- as the compensation per Sq.Mtr. for land situated at Khargar.**

3. The learned Counsel for the Respondent on instructions from his client states that his client has no objection to receive compensation at Rs.22/- per Sq. Mtr.

4. It is obvious that in view of the aforesaid judgment, the State of Maharashtra cannot claim further

reduction in compensation. Therefore, this Appeal is partly allowed. The compensation allowed in the Petition at Rs.25/- per Sq. Mtr. is reduced to Rs.22/-. The Appeal is allowed to that extent only. No order as to costs.

(SMT. ROSHAN DALVI, J.) (SHRI D.G. DESHPANDE,J.)